# EXHIBIT 1

### (CIRCUIT/CHANCERY) COURT OF TENNESSEE 140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

#### **SUMMONS IN CIVIL ACTION**

	( Lawsuit	
Docket No	<b>○</b> Divorce	Ad Damnum \$
JOHN TURNER		THOMPSON INDUSTRIAL SERVICES, LLC and DELTA SERVICES, a division of THOMPSON INDUSTRIAL SERVICES, LLC
	vs	
Plaintiff(s)		Defendant(s)
TO: (Name and Address of Defendant (One defendant	per summons))	Method of Service:
Thompson Industrial Services, LLC		Contified Mail
Serve Registered Agent:		Shelby County Sheriff
C T Corporation System 800 S. Gay Street, Suite 2021		Commissioner of Insurance (\$)
Knoxville, TN 37929		◯ Secretary of State (\$)
		Other TN County Sheriff (\$)
		11 -
		© Private Process Server
		Other
		(\$) Attach Required Fees
You are hereby summoned and required to defend a ci	ivil action by filing y	
serving a copy of your answer to the Complaint on $Gle$	enn K. Vines, Jr.	Plaintiff's
attorney, whose address is 488 South Mendenhall Roa	d, Memphis, TN 381	17 , telephone +1 (901) 462-3338
within THIRTY (30) DAYS after this summons has been		
udgment by default may be taken against you for the	relief demanded in	the Complaint.
		JIMMY MOORE Clerk
		/
		X/C 10 60
TESTED AND ISSUED	By	D.C.
	TO THE DEFENDAN	/ IT.
	TO THE DEFENDAN	u:
should be entered against you in this action and you wish to to claim as exempt with the Clerk of the Court. The list may b it is filed before the judgment becomes final, it will not be effitems are automatically exempt by law and do not need to be your family and trunks or other receptacles necessary to cont	onal property exempti claim property as exe e filed at any time and ective as to any execu e listed. These include ain such apparel, fam	he following notice: on from execution or seizure to satisfy a judgment. If a judgment mpt, you must file a written list, under oath, of the items you wish I may be changed by you thereafter as necessary; however, unless tion or garnishment issued prior to the filing of the list. Certain items of necessary wearing apparel (clothing) for yourself and ily portraits, the family Bible and school books. Should any of erstand your exemption right or how to exercise it, you may wish
FOR AMERICANS WITH DISABI	LITIES ACT (ADA) ASSI	STANCE <u>ONLY</u> , CALL (901) 379-7895
, JIMMY MOORE , Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this		
JIMMY MOORE , Clerk		
By: D.C.		

Docket No:			
IN THE (CIRCUIT/CHANCERY) COURT OF TENNESSEE FOR THE THIRTIETH JUDICIAL			
DISCTRICT AT MEMPHIS  SUMMONS IN A CIVIL ACTION	=		
John Turner Plaintiff	=		
VS Thompson Industrial Services, LLC			
Defendant	= ·	<b>.</b>  -	
Glenn K. Vines, Jr. (BRP #19637) Attorney for Plaintiff/Pro Se		By: Sheriff or other authorized person to serve proce	
(901) 462-3338	_	pro	
Telephone Number		[유	

KETUKN OF NON-SERVICE OF SUMMONS
HEREBY CERTIFY THAT I <b>HAVE NOT</b> SERVED THE WITHIN SUMMONS:
To the named Defendant
becauseis (are) not to be found in this County after diligent search and inquiry for the following
reason(s):
This day of 20 20
Sheriff or other authorized person to serve process

IN THE CIRCUIT COURT OF SHELE FOR THE THIRTIETH JUDICIAL I	BY COUNTY, TENNESSEE DISTRICT AT MEMPHIS 1 2 2013
	CIRCUIT COURT CLEPK
JOHN TURNER,	BYD.C.
Plaintiff,	
vs.	NO. CTOOL612-13
THOMPSON INDUSTRIAL SERVICES, LLC,	DIV. 1

THOMPSON INDUSTRIAL SERVICES, LLC, and DELTA SERVICES, a division of THOMPSON INDUSTRIAL SERVICES, LLC

JURY DEMANDED

Defendants.

#### COMPLAINT FOR RETALIATORY DISCHARGE

COMES NOW the Plaintiff by and through counsel and in support of his Complaint for Retaliatory Discharge would respectfully charge and aver unto the Court the following to wit:

- 1. Plaintiff John Turner respectfully alleges that he is an adult resident citizen of Memphis, Shelby County, Tennessee.
- 2. The Defendant, Thompson Industrial Services, LLC, upon information and belief, is a North Carolina corporation with offices in Memphis, Shelby County Tennessee and is authorized to conduct and transact business within the State of Tennessee with its principal place of business located at 104 North Main Street, Sumter, South Carolina and is amenable to service of process by and through its Tennessee registered agent, C T Corporation System, 800 S Gay Street, Suite 2021, Knoxville, Tennessee 37929.

- 3. The defendant, Delta Services is an operating division of Thompson Industrial Services, LLC. Thompson Industrial Services, LLC acquired Delta Services Inc. in 2009.
- 4. Plaintiff further alleges that this cause of action arises as a result of a retaliatory discharge of the plaintiff by the defendant on April 13, 2012 which occurred in Memphis, Shelby County. Said retaliatory discharge of the plaintiff is the subject matter of this cause of action, and defendant is, therefore, subject to the jurisdiction, venue and service of process of this Honorable Court.
- 5 Plaintiff would aver that on October 31, 2005, he was hired by Delta Services Incorporated as an employee to perform general labor and other "helper" duties.
- 6 Thereafter, the Plaintiff was promoted to crew leader in 2007 to perform industrial cleaning services among other duties.
- 7. Plaintiff would charge and aver that on March 9, 2010 he was working in the course and scope of his employment with the defendant when a high pressure hose burst, severely injuring the plaintiff's right hand.
- 8. Thereafter, plaintiff instituted a worker's compensation claim against his defendant employer under the Tennessee Workers' Compensation Act. See (Correspondence from plaintiff's counsel dated April 8, 2010) attached as Exhibit No 1 and incorporated herein by reference.
- 9. Plaintiff would charge and aver that after sustaining said injury but prior to reaching maximum medical improvement for the injuries sustained to his right hand and arm, plaintiff returned to work for his employer defendant under a light duty status. During this period of time wherein the plaintiff was working in a light duty status for the defendant employer

at the Valero site as well as other sites, plaintiff was attempting to diminish his severe pain by taking narcotic pain medication pursuant to the prescriptions and orders issued by his treating physician.

- 10. During the period of time that plaintiff was having to take narcotic pain medication to diminish the severe nerve pain from his hand injury and while working at the Valero site for the defendant employer, plaintiff was administered multiple drug screens which were positive for the subject narcotic pain medication that plaintiff was taking while on light duty status and pursuant to his treating physician's prescription orders.
- Plaintiff would further charge and aver that due to his severe pain from his subject injuries, the plaintiff requested a pain management physician, and defendant agreed to provide the plaintiff with a panel of pain management physicians on August 23, 2011. The plaintiff selected Dr. Dennis McCoy from the panel of pain management physicians. See (Form C-42 from Holly Lewis with Thompson Industrial Services LLC) attached as Exhibit No 2 and incorporated herein by reference.
- 12. Thereafter, plaintiff began taking various opiate pain medications pursuant to and in accordance with the physician's orders and based upon the prescriptions dispensed to control his pain from his worker's compensation injuries.
- 13. Plaintiff would charge and aver that on March 28, 2012, the defendants by and though its counsel attempted to persuade Mr. Turner to resign from his employment with the defendants. In a failed attempt to coerce Mr. Turner to resign, the defendant's dangled the tiny sum of \$15,893.99 in money for the resignation of Mr. Turner. See (Email from defendants counsel, Alex Elder dated March 28, 2012) attached as Exhibit No.3 and incorporated herein by reference.

- 14. Plaintiff would further charge and aver that on April 2, 2012, plaintiff was advised by the defendant employer that he had to submit to a hair follicle drug test and on said date plaintiff did in fact submit a hair sample for the aforementioned drug screen. Plaintiff would further charge and aver that on said date plaintiff was continuing to take opiate pain medication pursuant to his treating physician's orders and in accordance with the prescription issued by his treating physician.
- 15. Plaintiff would further charge and aver that on April 9, 2012, defendant employer was advised by Eva Ojeda at Lenox Healthcare MRO that Mr. Turner's hair follicle drug test was pending due to detection of opiate metabolites. Furthermore, Ms. Ojeda instructed the defendant employer to have Mr. Turner contact Eva Ojeda at Lenox Healthcare MRO. *See* (Email from Robbie Robinson to Danny Allison and Eddie McClatchey) attached as Exhibit No. 4 and incorporated herein by reference.
- 16. Plaintiff would charge and aver that on April 11, 2012, plaintiff was advised of the pending drug screen and to contact the aforementioned MRO. Plaintiff would charge and aver that on or about April 12, 2013, plaintiff contacted Lenox Healthcare MRO and advised them of his prescriptions and medicines that he was currently taking which included opiates for pain management and control. Furthermore, plaintiff produced to Lenox Healthcare MRO via facsimile a copy of his prescriptions that were issued by his treating physicians.
- 17. Plaintiff would further charge and aver that on April 13, 2012, he was advised by Danny Allison, general manager for the defendants that he was terminated from his employment with the defendant, Thompson Industrial Services LLC due to a positive drug screen. Plaintiff advised the general manager that the drug screen was pending and that he was taking opiate pain medication pursuant to prescriptions issued by his treating physicians, however, Danny Allison

again instructed Mr. Turner that he was fired and to contact defendant's human resource department in South Carolina. *See* (Separation Notice prepared by Danny Allison dated April 13, 2012) attached as Exhibit No. 5 and incorporated herein by reference.

- 18. On April 16, 2012, Lenox Healthcare MRO services issued the drug screen results to the defendant and the plaintiff for the aforementioned hair follicle drug test of Mr. Turner indicating that the results were negative. *See* (Lenox Health Care Medical Review Officer Drug Test Results Report dated April 16, 2012), attached as Exhibit No. 6 and incorporated herein by reference.
- 19. Thereafter, Mr. Turner contacted John Stodghill with defendant's human resource department in South Carolina requesting a reinstatement of his job with the defendant and John Stodghill advised plaintiff that he was still terminated from his employment with the defendant and further advised Mr. Turner that reinstatement at Thompson Industrial Services, LLC would never be an option for the plaintiff.
- 20. Plaintiff would charge and aver that he is currently unemployed despite efforts to obtain employment in the current labor market.
- 21. Plaintiff would further charge and aver that his request for worker's compensation benefits from the defendant employer was a substantial motivating factor in the defendant's discharge decision of the plaintiff on April 13, 2012.
- 22. Plaintiff would charge and aver that the retaliatory discharge of the plaintiff due to his request for workers' compensation benefits has proximately caused him to suffer a loss of back pay from the date of his discharge on April 13, 2012 and continuing thereafter and to be determined during the discovery conducted in this cause of action.

23. Plaintiff would charge and aver that the retaliatory discharge of the plaintiff due to his request for workers' compensation benefits has proximately caused him to suffer a loss of front pay to be determined during the discovery conducted in this cause of action.

#### RELIEF

WHEREFORE, PREMISES CONSIDERED, plaintiff John Turner respectfully sues the defendants, Thompson Industrial Services, LLC and Delta Services, a Division of Thompson Industrial Services, LLC for a loss of back pay and a loss of front pay and other general damages to be determined by twelve Honorable and good citizens of Shelby County Tennessee.

Respectfully submatted,

NAHON SAHAROVICH & PROTZ, PLC

Glenn K Vines, Jr. (BPR # 1963/1)

Attorney for the Plaintiffs.

488 South Mendential Road

Memphis, Tennessee 38117

(901)462-3338

666666

### INAHON SAHAROVICH & TKÓTZ, PLC ATTORNEYS AT LAW

MARCUS NAHON 1,2 ALEX SAHAROVICH 1 COREY B. TROTZ 1,3 GLENN K. VINES, JR. 1 DAVID O. PRICE 1 DAVID W. HILL 1, 1, 1 DAVID A. SIEGEL <sup>2</sup> LISA S. JOHNS 1. 1 ASHLEY E. WARD 1 MARK N. GELLER 1 C. TODD MASON <sup>3</sup> STACY N. GREENE 2.4 VALERIE L. SMITH 1 LUJACLYN T. RICHARDSON 1 LAURA M. OWINGS 1,2 KIMBERLY N. GALLOWAY ? RUSSELL D. MARLIN 2,3 GAR N. SCHWIPPERT 14 LEAH S. BALL 13 NATHAN C. WILLIAMS 1 C. EDWARD BAKER 1 ADAM H. JOHNSON 2.1

<sup>1</sup> Of-Counsel <sup>2</sup> Licensed in Tennessee <sup>3</sup> Licensed in Arkenses

<sup>4</sup> Licensed in Mississippi

COURTNEY C. BLACK <sup>3</sup>

STEPHANIE A. WALLS 3

Registered in Tennessee and Arkansas as PLC and in Mississippi as PLLC 488 SOUTH MENDENHALL ROAD · MEMPHIS, TN 38117 TELEPHONE (901) 683-2751 · FACSIMILE (901) 462-3350 WWW.NSTLAW.COM · TOLL FREE I-800-LAW-4004

DIRECT DIAL NUMBER (901) 259-0406 DIRECT FACSIMILE NUMBER (901) 746-1548

April 8, 2010

SENT VIA FACSIMILE TO (901)362-1240 & U.S. MAIL

Mr. Darrell Johnson Delta Services 3331 One Place Memphis, TN 38116

Re: Our Client:

John Turner

Our File Number:

226647

Date of Loss:

03/09/2010

Dear Mr. Johnson:

Please be advised that our office represents the interests of the abovenamed individual concerning an injury that he sustained during the course of his employment by you. Our office understands that our client's on-the-job injury occurred on or about March 9, 2010.

A workers' compensation claim is hereby made on behalf of our client. Please notify your workers' compensation insurance carrier so that we can deal with said carrier directly. Also, please forward a copy of the Employer's First Report of Work Injury, Tennessee Workers' Compensation Form C-20, to this office.

If you do not carry workers' compensation insurance, please contact me immediately at the direct dial number listed above.

Sincerely,

AEW:ad 226647: NST414

EXHIBIT

#### FORM C-42

### TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT Division of Workers' Compensation



220 French Landing Dr. Nashville, Tennessee 37243-1002

#### AGREEMENT BETWEEN EMPLOYER/EMPLOYEE CHOICE OF PHYSICIAN

It is a crime to knowingly provide false, incomplete or misleading information to any party to a workers' compensation transaction for the purpose of committing fraud. Penalties include imprisonment, fines and denial of insurance benefits.

In compliance with The Tennessee Workers' Compensation Law, T.C.A. Section 50-6-204

The injured employee shall accept the medical benefits afforded hereunder; provided, the employer shall designate a group of three (3) or more reputable physicians or surgeons not associated together in practice, if available in that community, from which the injured employee shall have the privilege of selecting the operating surgeon and the attending physician. If the injury is a back injury, the statutory panel must be expanded to 4, one of whom must be a chiropractor with treatment limited to 12 chiropractic visits. Further, if the injury or illness requires the treatment of a physician or surgeon who practices orthopedic or neuroscience medicine, the employer may appoint a panel practicing orthopedic or neuroscience medicine consisting of 5 physicians, with no more than 4 physicians affiliated in practice. If the employer provides this panel, the injured employee shall be entitled to have a second opinion on the issue of surgery, impairment, and a diagnosis from that same panel.

1.	Dr. Jovie Bridgewater		662-349-2659	
	PHYSICIAN'S NAME 391'S Crest Cir #209	Southaven	PHONE MS	38671
2.	OFFICE ADDRESS Dr. Dennis McCoy	CITY	STATE	ZIP
	7601 Southcrest Pkwy	Southaven	PHONE MS	38671
3.	OFFICE ADDRESS Dr. Marcus Meekins	CITY	901-377-5999	ZIP
	ិវី540 Appling Care In, 105	Cordova	PHONE	38016
4.	OFFICE ADDRESS	СПҮ	STATE	ZIP
•	PHYSICIAN'S or CHIROPRACTOR'S NAME		PHONE	
5.	OFFICE ADDRESS	СІТУ	STATE	2D
J.	PHYSICIAN'S NAME		PHONE	
	OFFICE ADDRESS	CITY	STATE	ZIP

(d)(1) "The injured employee must submit to examination by the employer's physician at all reasonable times if requested to do so by the employer, but the employee shall have the right to have the employee's own physician present at such examination, in which case the employee shall be liable to such physician for such physician's services."

"If the injured employee refuses to comply with any reasonable request for examination or to accept the medical or specialized medical services which the employer is required to furnish under the provisions of this law, such injured employee's right to compensation shall be suspended and no compensation shall be due and payable while such injured employee continues such refusal."

According to the provisions of this agreement, I hereby have selected the following physician from the list provided to me by my employer.

mar broaked to me of mil emb.	.o, c	<b>.</b>	
Physician chosen:		Date of injury: $3-9-10$	0
Date of selection:		Date of appointment:	
Thompson Indo Employer's Name	stricl	John Turner	
Employer's Name		Employee's Name, 1225 Lattin Ar-	+1
Street Address  Acm ghis  City	7N	Street Address	TN 38106
City	State Zip	City S 901-948-6197	tale Zip
Phone Les	for Hungson Inches	Dhama	
Employer's Signature		Employee's Signature	
		Employee's SSN 327/82010	
		State File Number	10 30 to 10 10 10 10 10 10 10 10 10 10 10 10 10

**CLEAR FORM** 

EXHIBIT

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#### 

 Turner, Mr. John
 Case Type: WC TN
 DOI: 03/09/2010
 LIM Date: 06/28/2012

 Case #: 226647 ( )
 Class: SET
 Assigned: HSTANFIL
 Date Opened: 04/07/2010

04/11/2013 05:13 PM Page 1 of 2

#### Case Note - Page 263 of 317

Date: 03/28/2012 10:12 AM Staff: AEW

Topic: E-Mail

**Case Status** 

From: Alex Elder To: Ashley E. Ward

CC: John Stodghill (jstodghill@thompsonind.com)

Subject: RE: John Turner

Received: 03/27/2012 5:00:52 PM

Turner will get \$54,092.18 (1.5 times the rating) plus \$10, 907.82 and he keeps the advance without deduction. Thus he will get \$65,000 in new money and the comp case is settled and approved and he resigns and signs the agreement. This is a net for him of \$69,986.17. Anything over and above the comp settlement is confidential.

Alex C. Elder

Holley, Elder and McWhirter, P.C. 9032 Stonewalk Pl. Germantown, Tn. 38138 Telephone (901)757-3367 Facsimile(901)757-3369

[Description: Description: HOLLEY, ELDER, MCWHIRTER LOGO]

The above message and any attachment are confidential and may be privileged. If you are not the intended recipient you must not copy this message or disclose its contents. If you are not the intended recipient please delete this message and any attachment.



From: Robbie Robinson < RRobinson@thompsonind.com>

To: Danny Allison <dallison@thompsonind.com>, Eddie McClatchey <EMcClatchey@thompsonind.com>

Date: 04/09/2012 10:24 AM

Subject: FW: Disa Test Result Pending

Robbie Robinson

Administrative Manager

3331 One Place

Memphis, TN 38116

901-362-7700 Phone

901-362-1240 Fax

From: eva.ojeda@disa.com [eva.ojeda@disa.com]
Sent: Monday, April 09, 2012 10:23 AM
To: Bill Shipe; Robbie Robinson; Debbie Shirley; MRO\_Notification@disa.com
Subject: Disa Test Result Pending

Please have donor contact the MRO at 800-232-5833.

**Donor Name: JOHN TURNER** 

SSN: XXX-XX-6546 COC: P374222

Pre-Employment, 04/02/2012 00:00:00

**Thompson Industrial Services** 

Policy: Hair Testing Consortium Policy-Thompson Industrial

Collection Site: TN032

Stnd Hair

Thank you,

Eva Ojeda LENOX HEALTHCARE MRO

This e-mail may contain confidential and privileged material for the sole use of the intended recipient(s).

Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message.

http://mail.thompsonind.com:3000/WorldClient.dll?Session=YFYNIMF

9/2012

### STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION OF EMPLOYMENT SECURITY



#### **SEPARATION NOTICE**

1. Employee's Name: True Middle Initial Last	nex 2. SSN 428-04-10546
3. Last Employed: From: ///3)/0.5 to 4//3)/2 (mm/dd/yy)	Occupation: Cres Lawler
4. Where was work performed?	
5. Reason for Separation:	Discharge □ Quit:
If lack of work, indicate if layoff is	☐ Temporary
If temporary, when do you expect to recall this individual? Date	mm/dd/ <sub>27</sub> )
	nding Date Amount
If layoff is indefinite vacation pay should not be reported.	:
If other than tack of work, explain the circumstances of this separa	ation:
Terminated For Course	
Failed Dry Somen	i
Over Straw	ļ <sup>i</sup>
Employer's Name Thompson Industrial Services, LLC	EMPLOYER'S ACCOUNT NUMBER
Address where additional information may be obtained:	05939014
279 Progress Street	(Number shown on State Quarterly Wage Report (LB-0851) and Premium Report (LB-0456)
City: Sumter State: SC Code: 29153	I certify that the above worker has been separated from work and the information furnished hereon is true and correct.
Employer's	This report has been handed to or mailed to the worker.
Telephone Number: (803) 934-0134 (Area Code) (Number) (Est)	Signature of Official or Representative of the Employer who has first-hand knowledge of the separation.
Employer's E-Mail Address Delta Services is a div. of Thompson	1 0,
Addices Series 23. (1992) 18 - 1995	Title of Person Signing
NOTICE TO EMPLOYER Within 24 hours of the time of separation, you are required	you I May made
by Rule 0800-09-01 of the Tennessee Employment Security	Date Completed and Released to Employee
Law to provide the employee with this document, properly executed, giving the reasons for separation. If you	,
subsequently receive a request for the same information on	4/13/12
LB-0810, please give complete information in your response.	(min/de/yy)

#### NOTICE TO EMPLOYEE

IF YOU ARE FILING A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS BY TELEPHONE OR INTERNET YOU MAY BE INSTRUCTED TO MAIL OR FAX THE SEPARATION NOTICE TO THE TENNESSEE CLAIMS CENTER. IF YOU ARE FILING A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS IN-PERSON PLEASE TAKE THIS NOTICE TO THE LABOR AND WORKFORCE DEVELOPMENT OFFICE.

LB-0489 (Rev. 08-09)

## Lenox Health Care MRO Services Medical Review Officer Drug Test Results 12600 Northborough Drive STE 300, Houston, TX 77067

Company:

Thompson Industrial Services

Policy:

Hair Testing Consortium Policy-Thompson Industrial

Attn:

William Shipe

#### CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY

CCF Receive Date:	4/13/2012	Lab Release Date:	4/6/2012 5:07:00 PM
Approval Date:	4/16/2012 2:32:55 PM	Donor Employee Number	6546
Lab Test ID:	P374222	Donor Name:	JOHN TURNER
Collected Date:	4/2/2012	Reason For Test:	Pre-Employment
	Tost Name	Result	
	Cocaine	Negati	ve
	Opiates .	Negative	
	Phencyclidine	Negati	ve
	Amphetamines	Negati	ve
	Cannabinoids	Negati	ve
	aboratory results for the spe determination is: Negative	3	cordance with D.H.H.S. 4/16/2012 2:32:55 PM

Medical Review Officer
Lenox Health Care MRO Services

Barry Sachs D.O.
800-232-5833
12600 Northborough Drive
STE 300
Houston TX 77067
Report Released By: Jacqueline Limon

Specimen Collection Facility
Southern Family Medical Clinic @ TVTC
324 West Mallory
TVTC Facility
Memphis TN 38109

MRO Comments:

Analyzing Laboratory Psychemedics, Inc. 5832 Uplander Way

Culver City CA 90230

https://www.disa.com/disaworks/programs/drugtest/mro\_results/lab\_results\_mro

